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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re: Application of Prince et al. )  
Serial No.: 10/766,225 )  
Filed: January 28, 2004 ) Art Unit 3644  
For: Aircraft and Missile Forebody )  
Flow Control Device and )  
Method of Controlling Flow )  
Examiner: Galen L. Barefoot )

January 9, 2007

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Commissioner of Patents and Trademarks  
Washington, D.C. 20231

Dear Sir:

The Applicants petition the Patent Office to accept the Information Disclosure Statement attached herein under 37 CFR 1.97 (c)(2), herein authorize the Patent Office to deduct the \$180.00 fee from their deposit account number 502704, and further authorize the Patent Office to deduct any underpayments or credit any overpayments to this same deposit account.

Respectfully submitted,

Dated

1/9/2007



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JAN 09 2007

Practitioner's Docket No. ORB-024

PATENT

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Patent application

of Patel et al.

Inventor(s)

for Aircraft and Missile Forebody Flow Control Device

Title of Invention

the specification of which is being transmitted herewith

OR

In re application of:

Serial No.: 0 10 / 766,225

Group No.: 3644

Filed: January 28, 2004

Examiner: Galen L. Barefoot

For: Aircraft and Missile Forebody Flow Control Device

Assistant Commissioner for Patents  
Washington, D.C. 20231

## INFORMATION DISCLOSURE STATEMENT

## CERTIFICATION UNDER 37 C.F.R. 1.8(a) and 1.10\*

(When using Express Mail, the Express Mail label number is mandatory;  
Express Mail certification is optional.)

I hereby certify that, on the date shown below, this correspondence is being:

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37 C.F.R. 1.8(a)

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37 C.F.R. 1.10\*

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Signature

Brian M. Kolkowski

(type or print name of person certifying)

Date: 1/9/2007**\*WARNING:** Each paper or fee filed by Express Mail must have the number of the "Express Mail" mailing label placed thereon prior to mailing. 37 C.F.R. 1.10(b).

"Since the filing of correspondence under § 1.10 without the Express Mail mailing label thereon is an oversight that can be avoided by the exercise of reasonable care, requests for waiver of this requirement will not be granted on petition." Notice of Oct. 24, 1996, 60 Fed. Reg. 56,439, at 56,442.

(Information Disclosure Statement [8-1]—page 1 of \_\_\_\_\_)

NOTE: "An information disclosure statement shall be considered by the Office if filed by the applicant:

- (1) Within three months of the filing date of a national application;
- (2) Within three months of the date of entry of the national stage as set forth in § 1.491 in an international application; or
- (3) Before the mailing date of a first Office action on the merits, whichever event occurs last."

37 C.F.R. 1.97(b).

NOTE: "Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section." 37 C.F.R. 1.56(a).

"Individuals associated with the filing or prosecution of a patent application within the meaning of this section are:

- (1) each inventor named in the application;
- (2) each attorney or agent who prepares or prosecutes the application; and
- (3) every other person who is substantively involved in the preparation or prosecution of the application and who is associated with the inventor, with the assignee or with anyone to whom there is an obligation to assign the application." 37 C.F.R. 1.56(c).

NOTE: The "duty as described in § 1.56 will be met so long as the information in question was cited by the Office or submitted to the Office in the manner prescribed by §§ 1.97(b) - (d) and 1.98 before issuance of the patent." Notice of January 9, 1992, 1135 O.G. 13 -25 at 17.

WARNING: "No information disclosure statement may be filed in a provisional application." 37 C.F.R. § 1.51(b).

### List of Sections Forming Part of This Information Disclosure Statement

The following sections are being submitted for this Information Disclosure Statement:

(check sections forming a part of this statement; discard unused sections  
and number pages consecutively)

1. ☒ Preliminary Statements
2. ☒ FORMS PTO/SB/08A and 08B (formerly FORM PTO-1449)
3. ☐ Statement as to Information Not Found in Patents or Publications
4. ☐ Identification of Prior Application in Which Listed Information Was Already Cited and for Which No Copies Are Submitted or Need Be Submitted
5. ☐ Cumulative Patents or Publications
6. ☐ Copies of Listed Information Items Accompanying This Statement
7. ☐ Concise Explanation of Non-English Language Listed Information Items
  - 7A. ☐ EPO Search Report
  - 7B. ☐ English Language Version of EPO Search Report
8. ☐ Translation(s) of Non-English Language Documents
9. ☐ Concise Explanation of English Language Listed Information Items (Optional)
10. ☒ Identification of Person(s) Making This Information Disclosure Statement

(complete the following, if appropriate)

Sections \_\_\_\_\_, respectively, have been continued on ADDED PAGE(S).

NOTE: "Once the minimum requirements are met, the examiner has an obligation to consider the information." Notice of April 20, 1992 (1138 O.G. 37-41, 37).

(Information Disclosure Statement [6-1]—page 2 of \_\_\_\_\_)

**Section 1. Preliminary statements**

Applicants submit herewith patents, publications or other information, of which they are aware that they believe may be material to the examination of this application, and in respect of which, there may be a duty to disclose.

The filing of this information disclosure statement shall not be construed as a representation that a search has been made (37 C.F.R. 1.97(g)), an admission that the information cited is, or is considered to be, material to patentability, or that no other material information exists.

The filing of this information disclosure statement shall not be construed as an admission against interest in any manner. Notice of January 9, 1992, 1135 O.G. 13-25, at 25.

(Information Disclosure Statement — Section 1. Preliminary Statements [6-1] — page \_\_\_\_\_ of \_\_\_\_\_)

## Section 2. Forms PTO/SB/08A and 08B (formerly Form PTO-1449)

**NOTE:** With respect to the list required by paragraph (b) of 37 C.F.R. 1.38, the Notice of April 20, 1992 (1138 O.G. 37-41) points out that:

*"The list may not be incorporated into the specification but must be submitted in a separate paper. A separate list is required so that it is easy to confirm that applicant intends to submit an information disclosure statement, and because it provides a readily available checklist for the examiner to indicate which identified documents have been considered. A copy of a separate list will also provide a simple means of communication to applicant to indicate the listed documents that have been considered and those listed documents that have not been considered. Use of form PTO-1449, 'Information Disclosure Citation, is encouraged."*

**NOTE:** "An information disclosure statement may include two list[s] (and two certifications[]) . . . in situations where some of the information listed was cited in a communication from a foreign patent office not more than three months prior to filing the statement and some was not, but was not known more than three months prior to filing the statement." Notice of April 20, 1992 (1138 O.G. 37-41, 40).

**NOTE:** With respect to the examiner's consideration of the Information Disclosure Statement, the Notice of April 20, 1992 (1138 O.G. 37-41) states:

*"If information is listed in the specification rather than in a separate paper, or if the other content requirements \*\*\* are not complied with, the examiner will notify applicant in the next Office action that the information has not been considered. It should be noted, however, that no copy of a U.S. patent application is required to be submitted. \*\*\* Where a U.S. patent application is properly cited, the examiner should obtain access to that file within the Office.*

*"Examiners must consider all citations submitted in conformance with the rules and this section and place their initials adjacent [sic] the citations on a list or in the boxes provided on a form PTO-1449. If the citations are submitted on a list other than a form PTO-1449, the examiner may write "all considered" and his or her initials to indicate that all citations have been considered. If any of the citations are considered, a copy of the submitted list or form, as reviewed by the examiner, will be returned to the applicant with the next communication. The original copy of the form will be entered into the application file. The copy returned to applicant will serve both as acknowledgement of receipt of the information disclosure statement and as an indication that the references were considered by the examiner. Forms PTO-328 and PTOL-37 include a box to indicate the attachment of form PTO-1449.*

*"Information which complies with requirements as discussed in this section but which is in a non-English language will be considered in view of the concise explanation submitted \*\*\* and insofar as it is understood on its face, e.g., drawings, chemical formulas, in the same manner that non-English language information in Office search files is considered by examiners in conducting searches. The examiner need not have the information translated unless it appears to be necessary to do so. \*\*\* The examiner should not require that a translation be filed by applicant. The examiner should not make any comment such as that the non-English language information has only been considered to the extent understood, since this fact is inherent.*

*"Since information is required to be listed in a separate paper rather than in the specification, there is no need to mark "All checked" or "Checked" in the margin of a specification containing citations.*

*"If a statement fails to comply with the requirements as discussed in this section for an item of information, a line should be drawn through the citation to show that it has not been considered. The other items of information listed that do comply with the rules and this section will be considered by the examiner and will be appropriately initiated.*

\* \* \* \* \*

*"A citation listed on form PTO-1449 and considered by the examiner in accordance with this section will be printed on the patent. A citation listed in a separate paper, equivalent to but not on form PTO-1449, and considered by the examiner in accordance with this section will be printed on the patent if the list is on a separate sheet which is clearly identified as an information disclosure statement and the list lends itself to easy capture of the necessary information by the Office printing contractor, i.e., each item of information is listed on a single line, the lines are at least double-spaced from each other, the information is uniform in format for each listed item, the list includes a column for the examiner's initials to indicate that the information was considered. If a citation is not printed on the patent but has been considered by the examiner in accordance with this section, the patented file will reflect that fact . . . "*

(Information Disclosure Statement — Section 2. FORMS PTO/SB/08A and 08B [6-1]  
— page \_\_\_\_\_ of \_\_\_\_\_)

(Rel. 71-6197 Pub. 605)

FORM 6-1

6-17

Place type = plus sign (+) inside this box → ☐

PTD/GB/DBA 114-95

Approved for use through 10/31/99, OMB 0601-0031

Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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Substitute for form 14-00A/PTC

**INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT**

(use as many sheets as necessary)

Sheet	1	of	1
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**Complete if Known**

Application Number	10 / 766,225
Filing Date	January 28, 2004
First Named Inventor	Patel
Group Art Unit	3644
Examiner Name	Golun L. Barfoot
Attorney Doctort Number	ORB-024

## U.S. PATENT DOCUMENTS

[illegible]

FOREIGN PATENT DOCUMENTS

[illegible]

**Examiner  
Signature**

Date	
Considered	

**\*EXAMINER:** Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup> Unique citation designation number. <sup>2</sup> See attached Kinds of U.S. Patent Documents. <sup>3</sup> Enter Office that issued the document, by the two-letter code (MPO Standard ST-2). <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under MPO Standard ST, 16 if possible. \* Applicant is to place a check mark here if English language Translation is attached.

**Burden Hour Statement:** This form is estimated to take 2.0 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patents and Trademark Office, Washington, DC 20231. **DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.**

(Information Disclosure Statement—Section 2. FORM 1449A/PTO (PTO/SB/08A) [6-1] — page \_\_\_\_\_ of \_\_\_\_\_)

**Section 10. Identification of Person(s) Making This Information Disclosure Statement**

The person making this statement is

(check each applicable item)

- (a)
- ☐
- the inventor(s) who signs below

SIGNATURE OF INVENTOR

(type name of inventor who is signing)

- (b)
- ☐
- an individual associated with the filing and prosecution of this application (37 C.F.R. 1.56(c))

SIGNATURE OF INVENTOR

(type name of inventor who is signing)

- (c)
- ☒
- the practitioner who signs below on the basis of the information:

(check each applicable item)

- ☒ supplied by the inventor(s).
- ☒ supplied by an individual associated with the filing and prosecution of this application. (37 C.F.R. 1.56(e))
- ☐ in the practitioner's file.

SIGNATURE OF PRACTITIONER

Brian M. Kolkowski

(type or print name of practitioner)

4415 Euclid Ave, Suite 500

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Cleveland, OH 44103

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Tel. No.: (216) 649-0376

Customer No.:

(Information Disclosure Statement—Section 10. Identification of Person(s) Making This Information Disclosure Statement [8-1]—page \_\_\_\_ of \_\_\_\_)